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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/029,636	12/18/2001	Richard Joseph Caballero	M-12420-1C US	5280
60975 CSA LLP 4807 SPICEWOOD SPRINGS RD. BLDG. 4, SUITE 201 AUSTIN, TX 78759	7590 01/24/2007		EXAMINER RIMELL, SAMUEL G	
			ART UNIT 2164	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE		
3 MONTHS	01/24/2007	PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/029,636

Applicant(s)

CABALLERO ET AL.

Examiner

Sam Rimell

Art Unit

2164

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 27-49 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 27-49 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


SAM RIMELL
PRIMARY EXAMINER

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

Art Unit: 2164

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 27-49 are rejected under 35 U.S.C. 101 because the claimed invention is non-statutory.

Claim 27: Claim 27 produces a result in the form of an asset table, complex object and business object. Since none of these structures are tangible, the claimed invention is non-statutory for failing to produce a tangible result. See *State Street Bank & Trust Co. v. Signature Financial Group Inc.*, 149 F.3d 1368, 47 USPQ2d 1596 (Fed. Cir. 1998) for the requirement of a tangible result.

Additionally, the preambles of the claims indicate that the invention is directed to a "data structure". Although the invention does not actually appear to be data structure alone, it is noted that data structures are also considered to be *per se* non-statutory (MPEP 2106.01 and *In re Warmerdam*, 33 F.3d 1354, 31 USPQ2d 1754 (Fed. Cir. 1994)). Accordingly, if applicant indicates or otherwise argues that the claimed invention is in fact a data structure, this additional basis for rejection under 35 USC 101 will be applied in the next office action.

Claims 28-49: Depend on claim 27.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 27-49 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 27: The preamble of claim 27 is inconsistent with the body of the claim. The preamble refers to the invention as a data structure, which is generally understood to be a static set of data. However, claim 27 contains references to a data manager (software) and a transformation engine (hardware) suggesting that the invention is not just a static set of data. Accordingly, the preamble is inconsistent with the remainder of the claim.

Claim 28: The phrase “the asset hierarchy” lacks antecedent basis.

Claim 29: The phrase “the action code” lacks antecedent basis.

Claims 30-31: Depend on claim 27.

Claim 32: The phrase “the asset hierarchy” lacks antecedent basis.

Claims 33-37: Depend indirectly from claim 27.

Claim 38: The phrase “the asset hierarchy” lacks antecedent basis.

Claims 39-40: Depend indirectly from claim 27.

Claim 41: The phrase “complex product” is overly vague, since it is not clear what makes the product complex or not complex.

Claims 42-43: Depend directly or indirectly from claim 27.

Claim 44: The phrase “the order type” lacks antecedent basis.

Claim 45: The phrase “the status of each order line item” lacks antecedent basis.

Claims 46-49: Depend directly or indirectly from claim 27.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 27-49 are rejected under 35 U.S.C. 102(b) as being anticipated by Walker et al. (U.S. Patent 6,064,987).

Preliminary Note: The analysis of the following claims includes findings that certain claims contain features which are optionally recited, rather than mandatory features of the invention. Features which are optionally recited carry no patentable weight (MPEP 2106, Section C).

Claim 27: Walker et al. illustrates an order processing system (FIG. 4) contain various data structures (46-56).

A complex object is a row of data generated from a sales transaction, such as the row (130) in FIG. 5E. The complex object (130) is also a service profile since it provides a profile of the sales information (136-146) associated with the sales transaction. The asset is the purchase price or installment amount (138 or 146) associated with an account (136).

Referring back to FIG. 4, the data manager is the database (42). The data manager (42) receives service profile information from point of sale (POS) terminals (20-24) via an external server (col. 5, lines 49-51). Business objects (installment plans-- FIG. 5E) are generated and correlated to each of the complex objects (row 130).

A transformation engine (controller 40 in FIG. 4) generates plural complex objects (130-134) and their association to the business objects (installment plans).

The plural set of complex objects (130-134) are stored in an asset table (54).

Claim 28: The asset table (54) includes a base price (138). The remaining sets of data are optionally recited and thus carry no patentable weight.

Claim 29: The “action code” appears to be a reference to one of types of data in claim 28, although it lacks antecedent basis to any claim. Since claim 28 makes clear that the asset table need only include one type of data, identified by the examiner as the “base price”, the “action code” becomes an optional set of data and thus carries no patentable weight.

Claim 30-31: Information within the asset table also becomes part of an order table (48 in FIG. 5B). Data is transferred to both tables when a new row of data is created with each sales transaction.

Claim 32: FIG. 5C illustrates a quote table representing alternating offers for a installment plan service provided to a customer. The table includes identifiers of the agreement (“A”, “B” or “C” in column 96). The other forms of information are optionally recited and carry no patentable weight.

Claim 33: Claim 33 is addressed to an action code, which has been identified as one of the optionally recited features in claim 32. Since the action code and its associated features are optional, they carry no patentable weight.

Claim 34: If the customer accepts the quote for the installment plan, it becomes an order for that installment plan (abstract, last six lines).

Claim 35: FIG. 5C illustrates the multiple service quotes provided to one customer and from which the customer selects the desired quote.

Claim 36: The multiple quotes in FIG. 5C are associated with a service item (a loan).

Claim 37: FIG. 5E records the customer selected installment plan, the installment payment amount and purchase price. The data obtained at this point in the workflow derives from a “placed order”, since all the terms of the sale are settled and recorded.

Claim 38: FIG. 5B illustrates the details of the order table (48). This table includes an identifier of an account billed (credit card account--column 78). All the remaining features are optionally recited and carry no patentable weight.

Claims 39-40: The “action code” and status field” are optionally recited and thus carry no patentable weight.

Claim 41: The asset (installment amount or purchase price) represents an installment plan product. The installment plan is part of a hierarchical set of installment plans (“A”, “B” or “C”) as seen in FIG. 5C. Each installment plan is a “complex product”, lacking any further definition as to what a “complex product” actually would be).

Claim 42: FIG. 12, lines 402-406 represent a product integration table. It includes fields for prices. The remaining items are optionally recited and carry no patentable weight.

Claim 43: Prices such as (402) and (404) are one time charges. The remaining features are optionally recited and carry no patentable weight.

Claim 44: There is no antecedent basis for the “order type”. However, it appears to be related to the “track-as-asset” item from claim 42 and thus carries no patentable weight since it optionally recited.

Claim 45: There is no antecedent basis for “the order line item”, so it can essentially refer to any row of data in any of the figures. The rows of data within the figures inherently include non-null fields. The data within non-null fields is new at the time it is entered.

Claim 46: Table (240) in FIG. 6 is a quote header table and includes an identifier of an agreement (“Plan B”). The remaining features are optionally recited and carry no patentable weight.

Art Unit: 2164

Claim 47: Table (210) in FIG. 6 is the order header table and includes the identifier of an account (credit card number).

Claim 48: See remarks for claims 46-47. When an order is placed by the consumer, data will fill both the order header and quote header tables, which means that at least the order head table is filled with data.

Claim 49: When an order is placed by the consumer, data will fill both the order and quote tables, which means that at least the order table is filled with data.

Any inquiry concerning this communication should be directed to Sam Rimell at telephone number (571) 272-4084.



Sam Rimell
Primary Examiner
Art Unit 2164